



Driving progress
through partnership

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November 25, 2024

Via ECF

The Honorable Lewis J. Liman
United States District Court
Southern District of New York
500 Pearl Street, Room 1620
New York, NY 10007

Re: Eletson Holdings, Inc., et al. v. Levona Holdings Ltd., Civil No. 23-cv-7331 (LJL)

Dear Judge Liman:

We write as counsel in response to the letter request of this morning from Mr. Cutaia, who now purports to represent both Eletson Holdings Inc. (“Holdings”) and Eletson Corporation (“Corp”), seeking to delay the briefing schedule set by Your Honor during the November 12 hearing. As Your Honor is aware from our letter of last Thursday (ECF No. 212), there is at the very least a dispute as to who currently represents the Eletson petitioners here.

The Court will recall that, prior to and at the November 12 hearing, counsel for Levona asserted that, once the bankruptcy plan became effective, Pach Shemen would attempt to exercise control over Eletson here and anticipated that this proceeding case could be resolved with minimal further submissions — a position with which Eletson took issue. At the hearing, Your Honor heard from both parties and instructed that the briefing on Eletson’s motions should proceed, so that “if the case continues to go forward in something like its current posture, either with Holdings or Corp., or with the folks who are the beneficiaries of the arbitration order, it’s not unduly delayed” (November 12, 2024 Transcript at 4). Bearing in mind all of the competing considerations, the Court set a schedule to complete the briefing on those motions.

It should surprise no one that Pach Shemen has now carried through on its threat to sow confusion in this proceeding by purporting to retain new counsel for both Holdings and Corp, or that the purported new counsel has now asked to delay this Court’s resolution of the pending motions. We hereby request that the Court deny Mr. Cuataia’s letter request and adhere to the schedule set on November 12.

With respect to our request to set a briefing schedule to address the issues of capacity and representation of Eletson (ECF No. 215), a massive, 450-page filing made earlier today by Pach Shemen in the Bankruptcy Court addressing the exact same issue leads us respectfully to withdraw our request. We will try to organize the response so as to return a semblance of order to these proceedings.

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Respectfully,

A handwritten signature in blue ink, appearing to read "Louis M. Solomon", is written above the printed name.

Louis M. Solomon

cc: Counsel of Record (via ECF)